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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,645	03/15/2004	Masayuki Yamada	00862.023518.	8043

5514 7590 04/10/2008

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EXAMINER	
COLUCCI, MICHAEL C	
ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
04/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,645	YAMADA ET AL.	
	Examiner	Art Unit	
	MICHAEL C. COLUCCI	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 14 and 15 rejected under 35 U.S.C. 101 because:

The claimed invention is directed to non-statutory subject matter. Claims 14 and 15 disclose a "program" with no description or clear support of a computer program product positively disclosed in the specification. Therefore, with no disclosure of a computer program within the specification, a computer program does not fall under one of the statutory categories under 35 USC 101 as patent eligible subject matter, where computer program or computer program product does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of claim 1 lines 4-8 discloses detecting operation performed on an apparatus, wherein it is unclear and confusing as to the required feature of the invention this limitation pertains to.

The limitation of claim 13 lines 22-26 discloses detecting operation performed on an apparatus, wherein it is unclear and confusing as to the required feature of the invention this limitation pertains to.

The limitation of claim 14 lines 17-21 discloses detecting operation performed on an apparatus, wherein it is unclear and confusing as to the required feature of the invention this limitation pertains to.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 1-8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shizuka et al. US 20020184004 A1 (hereinafter Shizuka) King et al. US 7103551 B2 (hereinafter King).

Re claims 1 and 13-15, Shizuka teaches a data processing method comprising:

an operation detection step of detecting operation performed on an apparatus ([0395]);

a state detection step of detecting a state of the apparatus when said operation is detected in said operation detection step ([0235]);

a first execution step of executing motion corresponding to said operation in a case where the state of the apparatus is not a help mode ([0235]);

an audio output step of phonetically outputting ([0305] – [0306]) a description of the motion corresponding to said operation in a case where the state of the apparatus is the help mode;

a storage step of storing in a predetermined storage device information regarding said operation ([0234] – [0235]), whose description has been phonetically outputted ([0305] – [0306]);

a second execution step of executing motion corresponding to said operation based on the information regarding said operation stored in the storage device ([0239]), in a case where the state of the apparatus is the help mode ([0240]).

However, Shizuka fails to teach outputting a description of the motion corresponding to said operation in a case where the state of the apparatus is the help mode (King Col. 7 lines 49-64);

King teaches that when the user of the client 104A is visually impaired, the user may not be able to see the screen image displayed on the display screen 210 of the client 104A. However, when the audio output device 230 produces the verbal description of the screen image, the visually-impaired user may hear the description, and understand not only the general appearance of the screen image and any objects within the screen image (e.g., color, shape, size, and the like), but also the meaning,

significance, or intended purpose of any objects within the screen image as well (e.g., menus, dialog boxes, icons, and the like). This ability for a visually-impaired user to hear the verbal description of the screen image and to know the meaning, significance, or intended purpose of any objects within the screen image allows the user of the client 104A to interact with the objects in a proper, meaningful, and expected way.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention phonetically outputting an audio description of motion corresponding to operation to aid a visually impaired individual in understanding the meaning of what is on a computer screen, wherein a user can interact with a system properly.

Re claim 2, Shizuka teaches the data processing method according to claim 1, further comprising:

a second operation detection step of detecting second operation performed on the apparatus ([0395]);

a second state detection step of detecting a state of the apparatus when the second operation is detected in said second detection step ([0235]),

wherein in said second execution step, motion corresponding to the information regarding said operation stored in the storage device ([0239]) is executed in a case where the state of the apparatus detected in said second state detection step is the help mode ([0240]).

Re claim 3, Shizuka teaches the data processing method according to claim 1, further comprising:

a cancellation step of canceling the help mode of the apparatus in a case where the state of the apparatus is the help mode and said operation is help operation ([0231]);

a setting step of setting the state of the apparatus in the help mode in a case where the state of the apparatus is not the help mode and said operation is help operation ([0231] & Fig. 23).

Re claim 4, Shizuka teaches the data processing method according to claim 1, wherein in said first execution step, motion corresponding to said operation is executed in a case where the state of the apparatus is not the help mode and said operation is not help operation ([0231] & Fig. 23).

Re claim 5, Shizuka teaches the data processing method according to claim 1, wherein in said audio output step, the description of the motion corresponding to said operation is phonetically outputted ([0305] – [0306]) in a case where the state of the apparatus is the help mode and said operation is not help operation (Fig. 32 items S25 and S26).

Re claim 6, Shizuka teaches the data processing method according to claim 1, further comprising a termination step of terminating audio output being currently

outputted in a case where operation performed on the apparatus is detected in said operation detection step (Fig. 34 items S48 and S49).

Re claim 7, Shizuka teaches the data processing method according to claim 1, further comprising a second audio output step of phonetically outputting a motion result of said operation executed in said second execution step ([0305] – [0306]).

Re claim 8, Shizuka teaches the data processing method according to claim 1, further comprising:

an acquisition step of acquiring a name of said operation performed on the apparatus ([0225]);

However, a third audio output step of phonetically outputting the name before phonetically outputting the description of the motion in said audio output step (King Col. 7 lines 49-64);

King teaches that when the user of the client 104A is visually impaired, the user may not be able to see the screen image displayed on the display screen 210 of the client 104A. However, when the audio output device 230 produces the verbal description of the screen image, the visually-impaired user may hear the description, and understand not only the general appearance of the screen image and any objects within the screen image (e.g., color, shape, size, and the like), but also the meaning, significance, or intended purpose of any objects within the screen image as well (e.g., menus, dialog boxes, icons, and the like). This ability for a visually-impaired user to

hear the verbal description of the screen image and to know the meaning, significance, or intended purpose of any objects within the screen image allows the user of the client 104A to interact with the objects in a proper, meaningful, and expected way.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention phonetically outputting an audio description of motion corresponding to operation to aid a visually impaired individual in understanding the meaning of what is on a computer screen, wherein a user can interact with a system properly.

7. Claim 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shizuka et al. US 20020184004 A1 (hereinafter Shizuka) King et al. US 7103551 B2 (hereinafter King) and further in view of Surace et al. US 6334103 B1 (hereinafter Surace).

Re claim 9, Shizuka teaches the data processing method according to claim 1, further comprising:

a changing step of changing sound quality of output speech (Fig. 24)

However, Shizuka in view of King fails to teach a determination step of determining whether or not one same operation has been repeatedly performed on the apparatus (Surace Col. 10 lines 22-30);

from the speech outputted last, in a case where one same operation has been repeatedly performed (Surace Col. 10 lines 22-30).

Surace teaches a voice user interface with personality, wherein it is determined whether the user is requiring repeated help in the same session or across sessions (i.e., a user is requiring help more than once in the current session).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention changing sound quality after determining whether or not the same operation has been repeatedly performed, wherein the detection of a repeated operation allows for a voice quality adjustment to be implemented such as a personality of a user interface dependent on how many times an operation is repeated (based on social and psychological experimental data).

Re claim 10, data processing method according to claim 9, wherein in said changing step, vocalize speed of the output speech is changed (Fig. 24).

Re claim 11, Shizuka in view of King fails to teach the data processing method according to claim 9, wherein in said changing step, volume of the output speech is changed (Surace Col. 22 lines 44-49).

Surace teaches the editing of audio tapes of the recorded scripts (e.g., to adjust volume and ensure smooth audio transitions within dialogs).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to change the volume of the output speech which would allow for a voice quality adjustment to be implemented such as a personality of a user interface dependent on how many times an operation is repeated (based on social and

psychological experimental data). Various parameters such as pitch, speed, clarity, and intonation can be varied to alter the personality of a voice interface.

Re claim 12, Shizuka teaches the data processing method according to claim 9, wherein in said changing step, vocal quality of the output speech is changed (Fig. 24).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6269336 B1, US 6865532 B2, US 6188985 B1, US 6314402 B1, US 20020003547 A1, US 20020010715 A1, US 5566271 A, US 5717738 A, US 6266571 B1, US 6564186 B1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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